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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CONCIALDI, J.

Serial No.: 09/691,159 Examiner: UNKNOWN

Filed: October 19, 2000 Group Art Unit UNKNOWN

Title: INTAKE TRACT NEGATIVE PRESSURE RELIEF VALVE FOR I.C. ENGINE

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SUPPLEMENT TO PETITION TO MAKE SPECIAL [37 C.F.R. $ 1.102(d)]

Hon. Director of Patents
and Trademarks
Washington, D.C. 20231

January 18, 2001

Sir:

Applicant yesterday, January 18, 2001, filed a Petition to make special the above referenced application. Inadvertently, copies of the references cited related to the subject matter were omitted.

Enclosed herewith are the copies of the following references inadvertently omitted from the petition filed yesterday:

US 5,400,753 to Andress et al., US 5,363,878 to Atkins, US 5,363,877 to Frentzel et al., US 5,285,547 to Sebor, 5,033,504 to Kallenbach, 4,969,939 to Machado, 4,273,564 to Sugie et al., 3,077,715 to Carroll, and US 1,853,496 to Blair.

The above cited references will also be provided in Information Disclosure Statement.

No additional fees appear to be required to correct the inadvertent defect [MPEP $ 708.02(VIII)]. However, The Director is hereby authorized to charge payment of any additional fees associated with this communication and required under 37 CFR 1.17 to Deposit Account No. 50-0548.

In the event that the Petition dated January 17, 2001 is deemed fatally defective, Applicant hereby alternatively petitions to make the application special in accordance with 37 CFR § 1.102(d).

The application claims a relief valve provided in a tubular air tract between an air intake connected to the air tract and a source of vacuum also connected to the tract. The relief valve includes a tubular member having apertures therein covered over by resilient diaphragm elements that, when a negative pressure

within the tract exceeds a pre-determined level, deflect and enable relief of the negative pressure within the air intake. The negative pressure within the intake tract can be raised, for example, by an obstruction at the air inlet of the tract.

Pre-examination search has been conducted through the following USPC heading: 123/198R, 198E and 198D, and 137/526 and 859. US PTO Examiners Kamen (A.U. 3747) and Chambers (A.U. 3753) were consulted in order to identify the appropriate areas to search The following relevant references were located during the search:

US 5,400,753 to Andress et al., US 5,363,878 to Atkins, US 5,363,877 to Frentzel et al., US 5,285,547 to Sebor, 5,033,504 to Kallenbach, 4,969,939 to Machado, 4,273,564 to Sugie et al., 3,077,715 to Carroll, and US 1,853,496 to Blair.

The references cited above discloses various fluid handling systems including a bypass valve actuated in response to a negative fluid pressure in the system.

While the above listed references are considered relevant to the prosecution of the referenced application, none of them discloses the air tract including the relief valve of having features of the present invention. Therefore, these references do

not anticipate or render the present invention obvious.

Respectfully submitted,

By: _____
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on January 18 2001

Ericka Bigelow 1/18/01
Ericka C. Bigelow Date